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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91229200
Party	Defendant SJM Partners, Inc.
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Submission	Motion to Consolidate
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Date	01/27/2017
Attachments	Stipulated Motion to Consolidate.pdf(13527 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Ganz, Opposer, v. SJM Partners, Inc.	Opposition No. 91232397 Serial No. 86053370
Ganz, Opposer, v. SJM Partners, Inc.	Opposition No. 91229200 Serial No. 86052534
Applicant.	

STIPULATED MOTION TO CONSOLIDATE

Ganz, the Opposer in Oppositions Nos. 91232397 and 91229200, and SJM Partners, Inc., the Applicant in those Oppositions, hereby stipulate to and request consolidation of the two oppositions. The parties also request that the schedule for Opposition No. 91232397, the later-filed opposition, govern both oppositions after consolidation.

Oppositions Nos. 91232397 and 91229200 involve the same parties and the same mark – the word mark GOOGLES. They differ only in the goods and services covered by the two opposed applications. Opposition No. 91229200 was filed July 27, 2016. Under the current case schedule, discovery is set to close August 19, 2017, with standard deadlines for pretrial disclosures and testimony periods thereafter. Opposition No. 91232397 was filed January 23, 2017, and an answer was filed January 27, 2017. Under the current case schedule, the deadline for the parties' discovery conference is April 3, 2017, discovery is set to close September 30, 2017, and standard deadlines for pretrial disclosures and testimony periods occur thereafter.

Consolidation clearly is appropriate under these facts. The parties and marks are identical; the oppositions involve common questions of law and fact; consolidation will save the parties time, effort and expense; and consolidation will not result in any prejudice or inconvenience. Fed. R. Civ. P. 42(a); TBMP § 511.

The parties therefore respectfully request that the two oppositions be consolidated. They also request that the case schedule in the higher-numbered opposition, Opposition No. 91232397, govern the consolidated proceedings. Doing so not only will ensure that the parties have sufficient time to conduct discovery with respect to new issues raised by the recently-filed opposition, but also will allow the parties additional time to conduct ongoing settlement discussions.

DATED this 27th day of January, 2017.

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CERTIFICATE OF SERVICE

I hereby certify a true and complete copy of the foregoing STIPULATED MOTION TO CONSOLIDATE has been served on the Attorney of Record for Opposer by email, pursuant to Trademark Rule 2.119, on January 27, 2017:

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Date: January 27, 2017

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